

AGING, DEPARTMENT ON[17]

Notice of Intended Action

Proposing rule making related to waivers and providing an opportunity for public comment

The Department on Aging hereby proposes to amend Chapter 1, “Introduction, Abbreviations and Definitions,” and Chapter 11, “Waivers or Variances from Administrative Rules,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 17A.3 and 231.14.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 17A.9A as amended by 2020 Iowa Acts, House File 2389, section 10.

Purpose and Summary

2020 Iowa Acts, House File 2389, made several changes to agency rule making requirements. Section 10 of the legislation modified the requirements for waiver or variance of rules by agencies by striking references to variances. This proposed rule making brings the Department into compliance with the changes to Iowa Code section 17A.9A.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 17—Chapter 11.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on August 17, 2021. Comments should be directed to:

Dax Oberreuter
Iowa Department on Aging
Jessie Parker Building
510 East 12th Street, Suite 2
Des Moines, Iowa 50319
Phone: 515.725.3333
Email: dax.oberreuter@iowa.gov

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule 17—1.1(231) as follows:

17—1.1(231) Authority and purpose. The rules of the Iowa department on aging are based on the authority of Iowa Code chapters 231, 231E, 235B and 249H. These rules prescribe requirements:

1. to 3. No change.
4. To request waivers ~~or variances~~ from administrative rules;
5. and 6. No change.

ITEM 2. Amend **17—Chapter 11**, title, as follows:

WAIVERS ~~OR VARIANCES~~ FROM ADMINISTRATIVE RULES

ITEM 3. Amend rule **17—11.1(17A,231,ExecOrd11)**, definition of “Waiver or variance,” as follows:

“~~Waiver or variance~~” means action by the department which suspends in whole or in part the requirements or provisions of a rule as applied to an identified person or program on the basis of the particular circumstances of that person or program. ~~For simplicity, the term “waiver” shall include both a “waiver” and a “variance.”~~

ITEM 4. Amend rule **17—11.4(17A,231,ExecOrd11)**, catchwords, as follows:

17—11.4(17A,231,ExecOrd11) Criteria for waiver ~~or variance~~.